

REMARKS

Independent claims 1 and 2 stand rejected as follows: Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Misenhimer et al. '541 ("Misenhimer") and Wulf et al. '821 ("Wulf"); and claim 2 stands rejected under 35 U.S.C. § 102 as being anticipated by Wulf. The Examiner's basis for maintaining the pending rejections is set forth in the Continuation Page of the Advisory Action, in which the Examiner alleges that the claim limitation "speed reducer" can be broadly interpreted as any structural element of the cited prior art positioned in the recited location because such structural element inherently includes frictional forces which act to reduce speed. These rejections are respectfully traversed for the following reasons.

Claims 1 and 2 each recite in pertinent part, "said speed reducer being *configured* to reduce the rotating speed of the rotary drive unit and transmitting the reduced rotating speed to the rotatable transfer joint (second transfer joint; claim 2)" (emphasis added). Support for this feature can be found, for example, on page 31, lines 1-6 of Applicants' specification. It is respectfully submitted that claims 1 and 2, as amended, obviates the Examiner's reliance on frictional forces present in the devices of the cited prior art. Specifically, neither Wulf nor Misenhimer disclose or suggest an element which is *structurally* "configured" to perform the recited function of reducing the rotating speed *of the rotary drive unit* and transmitting the *reduced rotating speed* to the transfer joint, thereby creating a relative rotating speed between the drive unit and transfer joint.

At best, the frictional forces present in Wulf and Misenhimer would reduce the rotating speed of a component connected to the rotary drive unit when the rotary drive unit is turned off, but would not change the relative rotating speed of the rotary drive unit itself with respect to the

transfer joint. Instead, frictional forces would reduce speed of a component connected to the rotary drive unit at a 1:1 correspondence therewith.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate claims 1 and 2, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 7 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 2 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

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In this regard, it is respectfully requested that withdrawn claims 11-18 and 23-36 be rejoined as being dependent, directly or indirectly, on allowable claims 1 and/or 2.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102 and 103 be withdrawn.

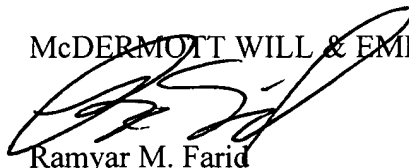
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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